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09/340,713	06/29/1999	TIMOTHY DAVID JOSEPH STAMPER	RARP113009	4261

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EXAMINER

ANYA, CHARLES E

ART UNIT	PAPER NUMBER
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2126

DATE MAILED: 02/11/2004

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

09/340,713

Applicant(s)

JOSEPH STAMPER ET AL.

Examiner

Charles E Anya

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-- The MAILING DATE of this communication appears n the cover she t with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-20 and 22-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-12,18-20,22,23 and 25 is/are rejected.
- 7) ☒ Claim(s) 13-17,24,26 and 27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

Office records show that Applicant filed two Information Disclosure Statements on 9/27/99 and 12/17/99. The Information Disclosure Statement of 12/17/99 is missing from the file jacket. Examiner requests a copy of the Information Disclosure Statement filed on 12/17/99.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 4,799,145 to Goss et al.**

3. As to claim 1, Goss teaches a system for sharing data between software programs comprising: a control unit having a processor (Processor 201 Fig 2, Col. 5 Ln. 38 – 67, First Processor Col. 17 Ln. 9 – 37) and a memory coupled to the processor (G.P. Registers 225 Col. 7 Ln. 15 – 20, "...main memory Col. 17 Ln. 9 – 37), the

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memory storing information pertaining to a first program that was previously executed by the processor (G.P. Registers 225 Col. 7 Ln. 15 – 20, Main Memory 205/Register Col. 9 Ln. 20 – 29, "...apparatus..." Col. 17 Ln. 9 – 37, "...a first operating system..." Col. 17 Ln. 9 – 37), and a data storage medium coupleable to the control unit, the data storage medium storing a second program implementable by the processor for ("...second operating system..." Col. 17 Ln. 9 – 37), retrieving information pertaining to the first program from the memory and utilizing the information pertaining to the first program with the execution of the second program ("...retaining information..." Col. 17 Ln. 9 – 37).

4. As to claim 6, Goss teaches a system for sharing data between software programs comprising: (a) a control unit having a processor and a memory coupled to the processor (Processor 201 Fig 2, Col. 5 Ln. 38 – 67, First Processor Col. 17 Ln. 9 – 37), and a first data storage medium coupleable to the processor, the first data storage medium storing a first program implementable by the processor ("...archival memory..." Col. 17 Ln. 9 – 37), identifying information pertaining to the first program for sharing with a second program ("...information..." Col. 3 Ln. 48 – 53, Col. 7 Ln. 15 – 20, Col. 9 Ln. 21 – 25, Col. 10 Ln. 6 – 22, Col. 17 Ln. 9 – 37), requesting storage of the information pertaining to the first program in the memory for retrieval by the second program ("...retaining..." Col. 17 Ln. 9 – 37), a second data storage medium coupleable to the control unit, the second data storage medium storing the second program implementable by the processor ("...second operating system..." Col. 17 Ln. 9 – 37),

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retrieving the information pertaining to the first program from the memory and utilizing the information pertaining to the first program with the second program (“...retaining information...” Col. 17 Ln. 9 – 37).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 2,3,8-11,20,22, 23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 4,799,145 to Goss et al. in view of U.S. Pat. No. 5,408,617 to Yoshida.**

7. As to claims 2, Goss is silent with respect to the system of Claim 1 wherein the second program implementable by the processor verifies the validity of the retrieved information before utilizing the retrieved information with the second program.

Yoshida teaches the system of Claim 1 wherein the second program implementable by the processor verifies the validity of the retrieved information before utilizing the retrieved information with the second program (“...diagnose instruction...” Col. 5 Ln. 1 – 24). It would have been obvious to apply the teaching of Yoshida to the system of Goss.

One would have been motivated to make such a modification in order to validate data length (Col. 5 Ln. 1 – 3).

8. As to claim 3, Goss is silent with respect to the system of Claim 1, wherein the second program implementable by the processor, identifies information pertaining to the second program for sharing with the first program and requests storage of the information pertaining to the second program in the memory for retrieval by the first program.

Yoshida teaches the system of Claim 1, wherein the second program implementable by the processor, identifies information pertaining to the second program for sharing with the first program and requests storage of the information pertaining to the second program in the memory for retrieval by the first program (Fig. 1A/1B Col. 2 Ln. 36 – 67, Col. 3 Ln. 1 – 36). It would have been obvious to apply the teaching of Yoshida to the system of Goss. One would have been motivated to make such modifications to provide data transfer between two operating systems (Col. 2 Ln. 62 – 66).

9. As to claim 5, Although, Goss is silent with respect the system of claim 3, wherein the memory is a nonvolatile random access memory, it would have been obvious to one of ordinary skill in art at the time of the invention to modify the system of Goss to include a nonvolatile random access memory in order implement erasable memory.

10. As to claims 8, Goss is silent with respect to the system of Claim 1 wherein the second program implementable by the processor verifies the validity of the retrieved information before utilizing the retrieved information with the second program.

Yoshida teaches the system of Claim 1 wherein the second program implementable by the processor verifies the validity of the retrieved information before utilizing the retrieved information with the second program (“...diagnose instruction...” Col. 5 Ln. 1 – 24). It would have been obvious to apply the teaching of Yoshida to the system of Goss. One would have been motivated to make such a modification in order to validate data length (Col. 5 Ln. 1 – 3).

11. As to claim 9, Goss is silent with respect to the data sharing system of Claim 6 wherein the information pertaining to the first program affects the second program causing the second program implementable by the processor, producing information pertaining to the second program for sharing with the first program and requesting storage of the information pertaining to the second program in the memory for retrieval by the first program.

Yoshida teaches the data sharing system of Claim 6, wherein the information pertaining to the first program affects the second program causing the second program implementable by the processor, producing information pertaining to the second program for sharing with the first program and requesting storage of the information pertaining to the second program in the memory for retrieval by the first program (Fig. 1A/1B Col. 2 Ln. 36 – 67, Col. 3 Ln. 1 – 36). It would have been obvious to apply the

teaching of Yoshida to the system of Goss. One would have been motivated to make such modifications to provide data transfer between two operating systems (Col. 2 Ln. 62 – 66).

12. As to claim 10, Goss teaches the data sharing system of Claim 9, wherein the first program implementable by the processor further retrieves the information pertaining to the second program from the memory and utilizes the information pertaining to the second program with the first program (“...retaining information...” Col. 17 Ln. 9 – 37).

13. As to claims 11, Goss is silent with respect to the system of Claim 1 wherein the second program implementable by the processor verifies the validity of the retrieved information before utilizing the retrieved information with the second program.

Yoshida teaches the system of Claim 1 wherein the second program implementable by the processor verifies the validity of the retrieved information before utilizing the retrieved information with the second program (“...diagnose instruction...” Col. 5 Ln. 1 – 24). It would have been obvious to apply the teaching of Yoshida to the system of Goss. One would have been motivated to make such a modification in order to validate data length (Col. 5 Ln. 1 – 3).

14. As to claim 20, Goss is silent with respect the method of Claim 19, further comprising: transferring data pertaining to the second program to the memory coupled to the processor, and retrieving the data pertaining to the second program from the

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memory coupled to the processor and then utilizing said data in connection with the first program.

Yoshida teaches the method of Claim 19, further comprising: transferring data pertaining to the second program to the memory coupled to the processor, and retrieving the data pertaining to the second program from the memory coupled to the processor and then utilizing said data in connection with the first program (Fig. 1A/1B Col. 2 Ln. 36 – 67, Col. 3 Ln. 1 – 36). It would have been obvious to apply the teaching of Yoshida to the system of Goss. One would have been motivated to make such modifications to provide data transfer between two operating systems (Col. 2 Ln. 62 – 66).

15. As to claim 22, Goss silent with respect to the method of Claim 19, wherein the step of transferring data pertaining to the first program to the memory coupled to the processor comprises setting a flag in memory indicating the status of an event pertaining to the first data storage medium for affecting the implementation of the second program.

Yoshida teaches the method of Claim 19, wherein the step of transferring data pertaining to the first program to the memory coupled to the processor comprises setting a flag in memory indicating the status of an event pertaining to the first data storage medium for affecting the implementation of the second program (“...set...” Col. 5 Ln. 1 – 7). It would have been obvious to apply the teaching of Yoshida to the system

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of Goss. One would have been motivated to make such a modification to provide a memory address for data transfer (Col. 5 Ln. 1 – 7).

16. As to claim 23, Goss is silent with respect to the method of Claim 20, wherein the transferring of data pertaining to second data storage medium to the memory coupled to the processor comprises setting a flag memory indicating the status of an event pertaining to the second data storage medium for affecting the implementation of the first program.

Yoshida teaches the method of Claim 20, wherein the transferring of data pertaining to second data storage medium to the memory coupled to the processor comprises setting a flag memory indicating the status of an event pertaining to the second data storage medium for affecting the implementation of the first program (“...set...” Col. 5 Ln. 1 – 7, “...write request or read request...” Col. 3 Ln. 65 – 67: NOTE: data is transferred in both directions). It would have been obvious to apply the teaching of Yoshida to the system of Goss. One would have been motivated to make such a modification to provide a memory address for data transfer (Col. 5 Ln. 1 – 7).

17. As to claim 25, Although, Goss is silent with respect to the system of claim 20, wherein the memory is a nonvolatile random access memory, it would have been obvious to one of ordinary skill in art at the time of the invention to modify the system of Goss to include a nonvolatile random access memory in order to implement erasable memory.

18. Claims 4,12,18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 4799,145 to Goss et al.

19. As to claim 4, Goss is silent with respect to the system of claim 1 wherein the first program implementable by the processor: identifies information pertaining to the second program for sharing with a third program and requests storage of the information pertaining to the second program in the memory for retrieval by the third program. However, it would have been obvious to one of ordinary skill in art at the time of the invention to modify the system of Goss to include a third program that share data with a second program since we have two programs that share data.

20. As to claim 12, Goss is silent with respect to the system of claim 6 wherein the information pertaining to the first program affects the second program causing the second program implementable by the processor: identifies information pertaining to the second program for sharing with a third program and requests storage of the information pertaining to the second program in the memory for retrieval by the third program. However, it would have been obvious to one of ordinary skill in art at the time of the invention to modify the system of Goss to include a third program that share data with a second program since we have two programs that share data.

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21. As to claim 18, Although, Goss is silent with respect the system of claim 16, wherein the memory is a nonvolatile random access memory, it would have been obvious to one of ordinary skill in art at the time of the invention to modify the system of Goss to include a nonvolatile random access memory in order implement erasable memory.

22. As to claim 19, Goss teaches a method for sharing information software programs implementable by a processor, the method comprising: connecting a first data storage medium having a first program stored therein to processor (G.P. Registers 225 Col. 7 Ln. 15 – 20, Main Memory 205/Register Col. 9 Ln. 20 – 29, "...apparatus..." Col. 17 Ln. 9 – 37, "...a first operating system..." Col. 17 Ln. 9 – 37), transferring data pertaining to a first program to a memory coupled to the processor ("...retaining information..." Col. 17 Ln. 9 – 37), connecting a second data storage medium having a second program stored therein to the processor ("...second operating system..." Col. 17 Ln. 9 – 37), retrieving the data pertaining to the first program from the memory coupled to the processor and then using said data in connection with the second program ("...retaining information..." Col. 17 Ln. 9 – 37), transferring data pertaining to the second program to the memory coupled to the processor ("...storage..." Col. 17 Ln. 30 – 37).

Although Goss is silent with respect to connecting a third data storage medium to the processor, the third data storage medium having a third program stored therein, and retrieving the data pertaining to the second program from the memory coupled to the

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processor and then utilizing the data in connection with the third program, it would have been obvious to one of ordinary skill in art at the time of the invention to modify the system of Goss to include a third program that share data with a second program since we have two programs that share data.

Allowable Subject Matter

23. Claims 13 –17,24,26 and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 5,604,887 to Naidu et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E Anya whose telephone number is (703) 305-3411. The examiner can normally be reached on M-F (8:30-5:30) First Friday off.

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Charles E Anya

Examiner

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